

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN

KHALED SHABANI,

Plaintiff,

v.

MADISON POLICE DEPARTMENT, *et al.*,

Defendants.

SUPPLEMENTAL
PRELIMINARY PRETRIAL
CONFERENCE ORDER

16-cv-471-bbc

At the September 14, 2016 pretrial conference, the court neglected to set deadlines for identifying the “Doe” defendant, J, Melody, who was unable to be served when plaintiff initiated this lawsuit. To remedy that oversight, the court is supplementing the preliminary pretrial conference order with these deadlines.

Identifying the Doe Defendants: November 7, 2016

A): Plaintiff shall complete service of his discovery requests aimed at identifying his Doe defendant. It is important for plaintiff to prepare clear, thorough discovery requests so that the defendants’ attorney has enough information to provide useful responses. It is not the responsibility of the defendants’ attorney to determine the identity of the Doe defendant on her own. Upon receipt of plaintiff’s discovery requests relating to Doe defendant, the defendants’ attorney should endeavor to provide the requested information as soon as possible but not later than the time allowed by the federal rules of civil procedure. Although the defendants’ attorney has no duty to conduct a proactive investigation, the court expects her to use good faith best efforts promptly to identify the Doe defendant in this case.

The defendants’ attorney should file with the court a copy of her responses to plaintiff’s discovery requests relating to the Doe defendant. The defendants’ attorney also must report to the court whether she will accept service of the amended complaint on behalf of the Doe defendant. If counsel chooses not to accept service, then counsel must endeavor to provide to the court, *ex parte*

and under seal, the last known address of the now-identified Doe defendant so that the Marshals Service may serve this individual with the amended complaint.

B) : December 19, 2016: Plaintiff shall file an amended complaint. The caption of the document shall be changed to identify it as the *amended* complaint. All that plaintiff needs to do in this document is tell the court the actual identity of his Doe defendant. Plaintiff does not need to—in fact is not allowed to—make any other changes to his complaint without first asking for and receiving permission from the court.

Note well: If plaintiff does not file an amended complaint identifying the Doe defendant by the deadline, then this court could dismiss all of plaintiff's claims against the Doe defendant.

C) : January 9, 2017: The now-identified Doe defendant shall file and serve his/her answer or other response to plaintiff's amended complaint.

Entered this 23rd day of September, 2016.

BY THE COURT:

/s/

STEPHEN L. CROCKER
Magistrate Judge

